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By ECF

September 21, 2023

Hon. Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Monson v. Bentivegna (SDNY), Case No. 23-cv-2965 (LAP)

Dear Judge Preska:

This Office represents Defendants in the above-referenced matter. This letter is submitted to request an informal telephone conference to address scheduling of discovery in this case pursuant to FRCP Rule 16(b) and Local Civil Rule 37.2. Counsel for the parties have conferred, and it appears that the Court's intervention will be necessary.

Defendants have proposed the following schedule:

120 days to complete paper discovery and all non-expert depositions;
Expert reports 30 days thereafter;
Rebuttal expert reports 30 days thereafter;
Expert depositions, if any, 30 days thereafter;
Dispositive motions 60 days thereafter.

Plaintiff has proposed the following schedule:

90 days for paper discovery and depositions;
Expert reports 30 days thereafter;
Rebuttal 30 days thereafter;
Expert depositions 30 days thereafter;
Dispositive motions 30 days thereafter.

The parties are unable to agree concerning whether time for completion of paper discovery and depositions shall be 120 days, as requested by counsel for defendants, or 90 days, as requested by counsel for plaintiff. Counsel for defendants, who is new to this case, initially proposed 180 days for completion of paper discovery and depositions and then proposed a compromise at 120 days, but Plaintiff's counsel is holding firm with her request for 90 days. Accordingly, a discovery conference is appropriate.

Hon. Loretta A. Preska, U.S.D.J.
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Thank you for Your Honor's attention to this matter.

Respectfully submitted,

Seth J. Farber /s/
Seth J. Farber
Special Litigation Counsel

cc: All Counsel (via ECF)

The Court has reviewed the parties' recent letters regarding the discovery schedule in this matter. Because Plaintiff's requests are some three months old already and because the Plaintiff Decedent's health situation is already fairly well known to Defendants, the Court adopts Plaintiff's counsel's proposed schedule.

SO ORDERED.

Loretta A. Preska
9/22/2023